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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND

UNITED STATES OF AMERICA,
Plaintiff,
v.
PATRICIA KAREN WAGGENER,
Defendant.

3:16-CR-00405-SI-6

ORDER REGARDING MOTION
TO REDUCE SENTENCE
PURSUANT TO 18 U.S.C. §
3582(c)(1)(A) (compassionate
release)

On May 21, 2020, defendant Patricia Karen Waggener filed a Motion to Reduce Sentence under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018. The Government has confirmed with the Bureau of Prisons (BOP) that defendant has no disciplinary record. The parties agree that the requested sentence reduction is warranted based on extraordinary and compelling circumstances, specifically, Ms. Waggener's medical vulnerabilities and the ongoing risk to her health posed by her continued confinement, in light of the COVID-19 pandemic. However, in light of defendant's significant history of drug-related offenses dating back to 1995, the parties agree that substituting the final year of defendant's sentence with an additional year of supervised release falls within the discretion afforded the Court under Title 18 United States Code Section 3582(c) and the parties further agree that this substitution is both lawful and appropriate pursuant to *U.S. v. Etzel*, 2020 WL 2096423, *5 (D. Or. May 1, 2020). Therefore,

having reviewed the motion and accompanying exhibits, the Court hereby finds that defendant does not pose a danger to any other person or the community, that the § 3553(a) factors support a reduction, and that the reduction is consistent with currently applicable U.S. Sentencing Commission policy statements. Therefore, it is ORDERED:

1. Defendant's motion to Reduce Sentence pursuant to 18 U.S.C. § 3582(c)(1)(A) as amended by the First Step Act of 2018 (ECF 446) is GRANTED;
2. Defendant's sentence of imprisonment is reduced to time served, effective Tuesday June 2, 2020, and the BOP shall release the defendant for travel to Portland, Oregon;
3. Defendant shall report immediately to her approved address at Mountain View Recovery upon arrival to Portland. She shall report in person (or by phone or other means as directed), to the United States Probation department within 72 hours (3 days of her release);
4. Defendant is ordered to take all available precautions during travel to Portland, including the use of a mask. Upon arrival at her approved address, defendant shall be required to adhere to a 14-day quarantine period by the United States Probation Office;
5. Defendant shall serve a six-year term of supervised release instead of the previously imposed term of five-years;
6. Defendant's remaining conditions of supervised release appearing in the Judgment, dated June 25, 2019 (ECF 425) are unchanged.

IT IS SO ORDERED THIS 15th day of June, 2020.



The Honorable Michael Simon
United States District Court Judge